IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO: 9154 of 1999**

Between:

M. Ramakrishna S/o. Pullaiah, Hindu,
R/o.Door No. 2.2.51, Fish Market, Amalapuram Post & Mandal,
East Godavari District.

**... PETITIONER**

AND

1 The Amalapuram Municipality, Rep.by its Commissioner,
Amalapuram, East Godavari District.
2 Sri Bonnam Appa Rao, S/o. Late Narayana Rao,
R/o.Kalava Kolanu Street, Amalapuram,
East Godavari District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the unauthorized and illegal action of the 2nd respondent at the instance of the 1st respondent in collecting the Marketing Cess at Rs. 35/- per day per each van load on the vehicles of the petitioner-Ice Factory bearing Nos. AP 37-T 6661 and A.E.O. 4142, as illegal, arbitrary, without jurisdiction and unconstitutional being violative of Articles 14 and 21 of the Constitution of India, and also contrary to the provisions of the A.P. Municipalities Act and the Rules framed thereunder and also the terms and conditions of the Auction Sale Notification for the year 1999-2000, dated 10.2.1999 issued by the 1st respondent, and consequently declare the same as void ab initio, null and void and non est in the eye of Law.

**Counsel for the Petitioner: MR.D.RAMESH**

**Counsel for the Respondents: MR.E.SAMBASIVA PRATAP FOR R**

The Court made the following:

## **Order**:

Learned counsel for the petitioner submits that the subject matter in the writ petition has become infructuous.

Recording the same, the writ petition is dismissed as having become infructuous. No costs.

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**N.V. RAMANA, J**

June 24, 2005

**MRR**

Assistant Registrar

// True Copy //

Section Officer

**Copy to. –**

*The Amalapuram Municipality, Rep.by its Commissioner,*
*Amalapuram, East Godavari District.*

Two C.D. Copies.